Court No. 3

Writ Petition No. 419 (M/B) of 2002

Km. Akanksha Agarwal ……. Petitioner

Versus

The Secretary, C.B.S.E. and another …… Respondent

Hon. Irshad Hussain, J.
Hon. M.M. Ghildiyal, J.

Heard Sri Mangal Singh Chauhan, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for the Central Board of Secondary Education.

The grievance of the petitioner is that she appeared in the All India Secondary School Certificate Examination, 2002 and when the result was declared she did not secure the marks in English and Economics subjects according to her expectation. She apprehends that the answser books of these subjects got exchanged, as a result of which she has been shown to have secured lesser marks in the subjects. Therefore, she has filed the petition to have the answer summoned and perused so that the mistake may be corrected.

Counter affidavit has been filed, wherein it has been averred that the Board has no policy for examination of the answer sheets and under the rules of the Board, it is specifically barred.

Learned counsel for the petitioner drew our attention to the pre-board examination result in support of his contention that the petitioner has obtained good marks at that stage and she had expected to secure more marks in the final examination. The pre-board result i.e. Annexure-1 indicate that the petitioner is a below average student and in total she secured 41.38% marks in the second term and in the first term examination she secured 39.3% marks. In the final examination, she secured 55% marks and in English and Economics subjects she secured 44 and 35 marks respectively. Considering her earlier performance it is obvious that the petitioner is a below average student and her expectation is not well founded. In view of this, there is no reason to summon the answer book. Finding no force, we dismiss the petition.

Dt.26.11.2006
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Sd/-
Sd/-

Hon'ble M.M. Ghildiyal, J.
Hon'ble B.S. Verma, J.

Review Application no. 8

None is present for the re
The applicant/review pet

review of the order dated 26.11.2002 passed by this Court in the writ petition. The review application is dismissed, as such.

(B.S.V., J.) (M.M.G., J.)

16.06.2006:
NCM